

Approved:

Ally L. Clegg

JEFFREY C. COFFMAN

Assistant United States Attorney

Before: THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA

COMPLAINT

2

NASIR H. CARTER, : COUNTY OF OFFENSES:
Defendant. : ORANGE

1

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREI PETROV, Jr., being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(HOBBS ACT ROBBERY)

1. On or about March 11, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, CARTER committed an armed robbery of a gas station convenience store located in the Town of Newburgh, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(FIREARM OFFENSE)

2. On or about March 11, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished.

(Title 18, United States Code, Section 924(c)(1)(A)(ii).)

COUNT THREE
(HOBBS ACT ROBBERY)

3. On or about March 17, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and did aid and abet the same, to wit, CARTER committed an armed robbery of a marijuana dealer in the City of Newburgh, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOUR
(FIREARM OFFENSE)

4. On or about March 17, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Three of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), (iii), and 2.)

COUNT FIVE
(HOBBS ACT ROBBERY)

5. On or about March 22, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, unlawfully and knowingly

did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and did aid and abet the same, to wit, CARTER committed an armed robbery of a gas station convenience store located in the Town of New Windsor, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT SIX
(FIREARM OFFENSE)

6. On or about March 22, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Five of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), (iii), and 2.)

COUNT SEVEN
(HOBBS ACT ROBBERY)

7. On or about March 28, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and did aid and abet the same, to wit, CARTER committed an armed robbery of a gas station convenience store in the Town of New Windsor, New York, and aided and abetted same.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHT
(FIREARM OFFENSE)

8. On or about March 28, 2021, in the Southern District of New York, NASIR H. CARTER, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in

Count Seven of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, possessed a firearm, and did aid and abet use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), (iii) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

9. I am a Special Agent with the FBI and have been for over 11 years. I am currently assigned to the FBI's Hudson Valley Safe Streets Task Force. During the course of my career, I have participated in numerous criminal investigations, including investigations involving robbery, firearms, narcotics, and gang violence. I am a case agent assigned to the current investigation. In the course of my career, I have been the affiant on numerous complaints and search warrants.

10. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement officers, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my participation in the investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

11. Law enforcement has been investigating a string of commercial armed robberies and a gunpoint home invasion robbery in Orange County, during which the robbers brandished, and in some cases, discharged firearms. As discussed in more detail below, law enforcement recently arrested NASIR H. CARTER, the defendant, after he was found in a vehicle used by the robbers to flee a recent robbery. Following his arrest, CARTER confessed to his participation in several robberies and the home invasion, during which the victim was shot in the stomach. Based on my participation in this investigation, my conversations with and review of reports of other FBI agents and law enforcement officers of the City of Newburgh Police Department ("CNPD"), Town of Newburgh Police Department ("TNPD") and Town of New Windsor Police Department ("NWPD"), and my review of surveillance videos and still images, I am aware of the following, among other things:

March 11, 2021 Mobil Robbery

a. Shortly before 3:00 a.m. on or about March 11, 2021, TNPD officers responded to a report of an armed robbery at a Mobil gas station in the Town of Newburgh, New York ("Store-1"). The store's clerk ("Clerk-1") reported to officers, in substance and in part, that he had just been robbed by a masked black male, who had displayed a black handgun and demanded money from the cash register.

b. Surveillance video obtained from Store-1 (the "Store-1 Surveillance Video") depicts, among other things, a masked black male ("Subject-1") entering Store-1 shortly before 3:00 a.m., walking to the counter where Clerk-1 was present, armed with a black semi-automatic pistol with silver stripes running down both sides of its slide ("Firearm-1"). Clerk-1 opened the cash register and handed the money from the drawer to Subject-1, who then fled the store.

March 17, 2021 Home Invasion Robbery

c. In the early morning hours of March 17, 2021, at approximately 3:24 a.m., CNPD officers responded to a report of a man shot at a location in the City of Newburgh, New York, where they found a man ("Victim-1") calling out to them while lying on the ground. Victim-1 reported, in substance and in part, that he had been shot in his stomach area, where a CNPD officer then observed a small puncture wound.

d. A CNPD officer located a .380 caliber PMC auto shell casing and a .45 caliber S&B auto shell casing on the floor near the open door of a first-floor apartment (the "Apartment") of the apartment building at which Victim-1 was found.

e. Law enforcement obtained surveillance video of the interior and exterior of the Apartment (the "Apartment Surveillance Video"), which depicts, among other things, the following:

i. At approximately 3:14 a.m. on March 17, 2021, two masked men carrying black semi-automatic pistols approached the door to the Apartment.

ii. One of the men, a black male with dreadlocks and the same build as Subject-1, carried a black, semi-automatic pistol.

iii. The other man appears to be a lighter-skinned male, carrying Firearm-1.

iv. At approximately 3:14:40 a.m. on March 17, 2021, Victim-1 was inside the apartment and approached the door to the building's hallway. The door opened slightly, and the barrel of a pistol extended through its opening. Victim-1 put his weight against the door, attempting to close it, but the door was forced open by the two masked men, one of whom had visible dreadlocks. The two masked men burst inside the Apartment with their pistols drawn. At least one of the masked men discharged a pistol while entering the Apartment, causing what appears to me to be a shell casing to drop to the floor outside the Apartment.

v. After entering the Apartment, the two men forced Victim-1 to the ground both through physical force and by pointing their pistols at him. Victim-1 collapsed to the ground, as if he had been shot.

vi. The two masked men then grabbed items from the counter inside the Apartment, including a white bucket or pail, and fled through the same door through which they had entered at approximately 3:15:37 a.m.

vii. A short time later, Victim-1 slowly crawled out of the Apartment through the same door.

March 22, 2021 Gulf Robbery

f. Shortly before 1:00 a.m. on or about March 22, 2021, NWPD officers responded to a report of an armed robbery at a Gulf gas station in the town of New Windsor, New York ("Store-2"). The store's clerk ("Clerk-2") reported to officers, in substance and in part, that he had just been robbed by two masked men, both of whom were armed with handguns. Clerk-2 further reported, in substance and in part, that one of the men remained across the counter from him and fired his handgun while pointing it in Clerk-3's direction. The other man went behind the counter and instructed Clerk-2 to open the cash registers.

g. Inside Store-2, a NWPD officer recovered a .380 caliber PMC auto shell casing that appears to match the caliber and make of the shell casing recovered from outside the Apartment on March 17, 2021, as described in Paragraph 11(d).

h. Surveillance video obtained from Store-2 (the "Store-2 Surveillance Video") depicts two masked men entering Store-2 at approximately 12:36 a.m. on March 22, 2021. Both

displayed semi-automatic pistols to Clerk-2. One of the men, who appears to have a build consistent with that of Subject-1, fired his black, semi-automatic pistol with silver stripes running down both sides of its slide, consistent with Firearm-1, in Clerk-2's vicinity. The other man went behind the counter and took the money from the register. Both men then fled from the store.

March 28, 2021 Sunoco Robbery

i. At approximately 2:00 a.m. on or about March 28, 2021, NWPD officers responded to a report of an armed robbery at a Sunoco gas station in the town of New Windsor, New York ("Store-3"). The store's clerk ("Clerk-3") reported to officers, in substance and in part, that he had just been robbed by two masked men, one of whom was armed with a handgun, which he fired in Clerk-3's vicinity. Clerk-3 further reported, in substance and in part, that both men directed Clerk-3 to give them the money from the cash registers, which Clerk-3 did.

j. Inside Store-3, a NWPD officer recovered a .380 caliber PMC auto shell casing that appears to match the caliber and make of the shell casings recovered from the Apartment and Store-2 as described in Paragraphs 11(d) and 11(g).

k. Surveillance video obtained from Store-3 (the "Store-3 Surveillance Video") depicts two masked men entering Store-3 at approximately 1:58 a.m. on March 28, 2021. One of the men, who appears to have a build consistent with that of Subject-1, went behind the counter. The other man was armed with what appears to be Firearm-1, which he fired in the vicinity of Clerk-3. Both men then fled from the store with the cash.

l. Surveillance video obtained from another location less than approximately 50 yards down the street from Store-3 depicts the same two masked men running to a parked dark blue Honda CRV with a spare tire on its rear hatch, which immediately departed (the "Blue Honda Surveillance Video"). The Blue Honda's license plate is not visible in the video.

March 28, 2021 Arrest of NASIR H. CARTER

m. At approximately 4:02 a.m. on or about March 28, 2021, at a location¹ in the City of Newburgh, a CNPD Officer located a dark blue Honda CRV with a spare tire on its rear hatch (the "Blue Honda"), consistent with the vehicle used by the robbers as depicted in the Blue Honda Surveillance Video from nearby Store-3, as described in Paragraph 11(l). The Blue Honda bore temporary Texas license plates which do not match the registration sticker on the Blue Honda.

n. The CNPD officer observed that the Blue Honda's engine was running, and that it was occupied only by a black male with dreadlocks, subsequently identified as NASIR H. CARTER, the defendant, who appeared to be sleeping in the Blue Honda's rear seats. The CNPD officer placed CARTER under arrest. Law enforcement officers subsequently searched the Blue Honda and found, among other things, a white bucket or pail consistent with the bucket or pail taken by the robbers from the Apartment, as depicted in the Apartment Surveillance Video.

o. Following CARTER's arrest, on or about March 28, 2021, I and other law enforcement officers interviewed CARTER. That interview was video-recorded. After waiving his *Miranda* rights and agreeing to speak with us, CARTER stated, among other things, in sum and substance, that:

i. CARTER participated in armed robberies of locations in and around the City of Newburgh in March 2021;

ii. CARTER is the masked robber depicted in the March 11, 2021 Store-1 Surveillance Video;

iii. CARTER is the masked robber with visible dreadlocks depicted in the March 17, 2021 Apartment Surveillance Video. CARTER and his accomplice broke into the Apartment because they understood that it was occupied by a marijuana dealer, and they took marijuana with them from the Apartment;

iv. CARTER is one of the masked robbers depicted in the March 22, 2021 Store-2 Surveillance Video; and

¹ Google maps reflects that this location is approximately 4.7 miles from Store-3 by car.

v. CARTER is one of the robbers depicted in the March 28, 2021 Store-3 Surveillance Video and Blue Honda Surveillance Video.

WHEREFORE, deponent respectfully requests that NASIR H. CARTER be imprisoned or bailed, as the case may be.

/s/ Andrei Petrov by JCM with permission
Special Agent Andrei Petrov, Jr.
Federal Bureau of Investigation

Sworn to before me by reliable electronic means, specifically FaceTime, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 29th day of March, 2021

Judith C. McCarthy
THE HONORABLE JUDITH C. McCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK